IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 102 of 1998

Between:

M/s. Voith India (P) Ltd rep. by its Company Secretary and General Manager Shri Venkataraman, having its registered office at IDA, Nacharam, Hyderabad.

..... PETITIONER

AND

1 The State of A.P. rep. by the Principal Secretary
Revenue Department, Secretariat, Hyderabad.
2 The Special Officer and Competent Authority Urban Land Ceilings,
Chandra Vihar, Nampally, Hyderabad.
3 The Mandal Revenue Officer Malkajgiri Mandal,
Hyderabad-500047.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction declaring the action of the respondent in not disposing of the application of the petitioner under section 20 of the Urban land (Ceiling and Regulation) Act, 1976 dated 25/5/89 and the action of the respondents in interfering with the peaceful possession by the petitioner and enjoyment and lands situated in Survey No. 617/9,617/10 and 617/11 of Malkajgiri Village, Ranga Reddy district as illegal and arbitrary and ultravires and unconstitutional and consequently issue a writ of Mandamus directing the respondents to dispose off the application of the petitioner under section 20 of the Urban Land (Ceiling and Regulation) Act, 1976.

Counsel for the Petitioner : M/S.C.KODANDA RAM

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

O R D E R :

In this writ petition, the petitioner is questioning the action of the respondent in not disposing of the application dated 25-05-1989 filed by it under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976 (for short "the Act") and in interfering with its peaceful possession and enjoyment of the lands situated in Sy.No.617/9, 617/10 and 617/11 of Malkajgiri Village, Ranga Reddy District.

The petitioner, which is a private limited company, purchased Ac.5-00 of land situate in the above mentioned survey numbers from M/s. Andhra Foundry and Machine Company Limited for the purpose of establishment of its industrial unit, after its vendor obtained permission from the Government under the provisions of the Act to sell the land. The Government while granting permission under G.O.Ms.No.712 Revenue (UC.III) Department, dated 17-10-1988 put two conditions that the petitioner shall file a statement under Section 15 of the Act before the Special Officer & Competent authority, Urban Land Ceiling, Hyderabad within three months from the date of registration of the land in its favour and it shall file separate application for exemption under Section 20 of the Act. Accordingly the petitioner filed an application on 25-5-1989 under Sections 15 and 20 of the Act, as required, for exemption from the purview of the provisions of the Act.

The grievance of the petitioner is that the respondents without passing any orders on his application are interfering with his peaceful possession and enjoyment of the land.

In the Counter affidavit filed on behalf of the respondents it is stated that the petitioner has filed a statement in Form-I under Section 6(1) of the Act, it was found to be holding surplus land to an extent of 18,955-00 sq. mtrs and since there was no objection from it for the determination of land as surplus, final orders were passed on 31-10-1989 and the declaration under Section 10(3) of the Act was published in A.P. Gazette No.92, Part-II dated 10-4-1997 and as there was no stay in the appeal filed

by the petitioner against the orders declaring it to be holding surplus land, orders under Section 10(6) of the Act have been issued to take over possession of surplus land from the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

While admitting the writ petition on 10-7-1998, this court granted interim order directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner.

The learned Government Pleader for Revenue, on instructions submits that the application dated 25-5-1989 filed by the petitioner is pending before the 1st respondent and the 1st respondent has called for some information from the Industries Department, and submitted that the writ petition be disposed of with directing the respondents to dispose of the application of the petitioner.

Under the above facts and circumstances, the first respondent is directed to dispose of the application dated 25-5-1989 filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order. Till such time the interim stay earlier granted by this Court shall be continued.

With the above observation, the Writ Petition is disposed of.

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N.V.RAMANA, J.

15th July, 2004.

gs/asp

To

1 The Principal Secretary, State of A.P.
Revenue Department, Secretariat, Hyderabad.
2 The Special Officer and Competent Authority Urban Land Ceilings,
Chandra Vihar, Nampally, Hyderabad.
3 The Mandal Revenue Officer Malkajgiri Mandal,
Hyderabad-500047.

4. 2 CCs to G.P. for Revenue, High Court of A.P. Hyderabad, (OUT)

5. 2CD Copies